

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 3:21-cv-00757-JD

Case Name: Frasco v. Flo Health, Inc.

EXHIBIT and WITNESS LIST

JUDGE: James Donato	DEFENSE ATTORNEYS: Andrew Clubok / Michele Johnson / Melanie Blunski / Elizabeth McCloskey / Brenda Sharton / Benjamin Sadun / Allison Ozurovich / Julie Jones / Theodore Yale	PLAINTIFF ATTORNEYS: Michael Canty / Carol Villegas / Christian Levis / Diana Zinser
JURY TRIAL HEARING DATE: July 22, 2025	REPORTER: Ruth Levine	CLERK: Lisa Clark

PLF NO.	DEF NO.	TIME OFFERED	ID	REC	DESCRIPTION	BY
		9:07 AM			Court in session all parties present outside the presence of the jury.	
		9:11 AM			Court in session all parties and jury present. Cont'd direct of Ms. Wellman.	
					Witness shown exhibit 611	
50			7/22/25	7/22/25	Email from Flo to Sarah Wellman re Important legal notice for users who used the app between June 30, 2016, and February 23, 2019, regarding our recent settlement with the FTC	LRC
66			7/22/25	7/22/25	Flo Privacy Policy, effective as of July 16, 2018	LRC
		9:28 AM			Cross-examination by Flo of Ms. Wellman	
					Witness shown 611d,	
	29		7/22/25	7/22/25	OwHealth, Inc. Privacy Policy, effective as of May 25, 2018	LRC
	30		7/22/25	7/22/25	Flo Terms of Service, effective as of June 22, 2018	LRC
	55		7/22/25	7/22/25	Indiegogo's Privacy Policy Effective Date: 1/1/2023	LRC
		9:58 AM			Cross-examination by Meta of Ms. Wellman	
	70		7/22/25	7/22/25	"Facebook Data Policy, date of last revision April 19, 2018 "	LRC
	26		7/22/25		Email with subject line: Important updates on Google Analytics Data Retention and the General Data Protection Regulation (GDPR)	
					Witness shown exh. 50	
		10:11 AM			Re-direct of Ms. Wellman	
		10:13 AM			Direct examination of Jennifer Chen	
		10:21 AM			Cross examination by Flo of Jennifer Chen	

	44		7/22/25	7/22/25	Flo Welcome Screen	LRC
	132		7/22/25	7/22/25	OwHealth, Inc. Privacy Policy, effective as of March 14, 2017	LRC
	93		7/22/25	7/22/25	Flo Privacy Policy (archived), effective as of December 21, 2016	LRC
	133		7/22/25	7/22/25	OwHealth, Inc. Terms of Service, published March 13, 2017 (and in effect through July 11, 2017)	LRC
		10:46 AM			Cross examination by Meta of Jennifer Chen	
		10:47 AM			Re-direct of Jennifer Cross	
					Witness shown exhibit 132	
		10:52 AM			Court in recess	
		11:24 AM			Autumn Meigs direct examination.	
		11:29 AM			Cross examination by Flo of Ms. Meigs	
					Witness shown exhibit 44,	
		11:47 AM			Cross examination by Meta of Ms. Meigs	
		11:50 AM			Re direct of Ms. Meigs	
		11:51 AM			Direct examination of Tesha Gamino	
		11:58 AM			Cross examination by Flo of Ms. Gamino	
					Witness shown exhibit 29	
		12:21 AM			Cross examination by Meta of Ms. Gamino	
		12:28 AM			Re direct of Ms. Gamino	
		12:31 AM			Direct examination of Erica Frasco	
610s			7/22/25	7/22/25	Tell the app about your cycle	LRC
610t			7/22/25	7/22/25	How Can We Help You?	LRC
610u			7/22/25	7/22/25	How Can We Help You?	LRC
610v			7/22/25	7/22/25	Select	LRC
610w			7/22/25	7/22/25	When Did Your Last Period Start?	LRC
610x			7/22/25	7/22/25	On average, how long is your cycle?	LRC
610y			7/22/25	7/22/25	On average, how long is your cycle?	LRC
610z			7/22/25	7/22/25	On average, how long is your cycle?	LRC
610aa			7/22/25	7/22/25	On average how long is your cycle	LRC
610ab			7/22/25	7/22/25	What Year Were You Born?	LRC
610ac			7/22/25	7/22/25	What Year Were You Born?	LRC
610ad			7/22/25	7/22/25	Predicting Your Cycles	LRC
610ae			7/22/25	7/22/25	Get Reminders About Your Cycle	LRC
610ag			7/22/25	7/22/25	Ovaluation in 4 days	LRC
610ai			7/22/25	7/22/25	Cycles predictions will be more accurate if you log symptoms and other health parameters regularly	LRC

610aj			7/22/25	7/22/25	Cycles predictions will be more accurate if you log symptoms and other health parameters regularly	LRC
610ak			7/22/25	7/22/25	June Calendar	LRC
		12:40 PM			Flo cross of Ms. Frasco	
	147		7/22/25	7/22/25	Flo Health Privacy Policy, effective as of August 28, 2017	LRC
		12:52 PM			Court in recess	
		1:20 PM			Court in session out of the presence of the jury.	
		1:37 PM			Court in session all parties and jury present	
		1:40 pm			Flo cont'd cross of Ms. Frasco	
					Witness shown exhibit 29	
	189		7/22/25	7/22/25	Flo app Terms of Service, published July 11, 2017 and in effect through November 15.	LRC
		2:02 PM			Meta cross examination.	
		2:03 PM			Re direct of Ms. Frasco	
					Witness shown exhibit 147	
		2:11 PM			Direct examination Serge Egelman, Ph.D	
					Witness qualified as an expert.	
768			7/22/25		Expert Rebuttal Report of S. Egelman, Ph.D.	
604A			7/22/25	7/22/25	Tell the app about your cycle	LRC
604B			7/22/25	7/22/25	How Can We Help You?	LRC
604C			7/22/25	7/22/25	When Did Your Last Period Start?	LRC
604D			7/22/25	7/22/25	On average how long is your period?	LRC
604E			7/22/25	7/22/25	On average, how long is your cycle?	LRC
604F			7/22/25	7/22/25	What Year Were You Born?	LRC
604G			7/22/25	7/22/25	Calendar – June	LRC
604H			7/22/25	7/22/25	Cycles predictions will be more accurate if you log symptoms and other health parameters regularly	LRC
604I			7/22/25	7/22/25	Cycles predictions will be more accurate if you log symptoms and other health parameters regularly	LRC
605A			7/22/25	7/22/25	4. apk	LRC
611V			7/22/25	7/22/25	Flo Welcomes You! How can we help?	LRC
611W			7/22/25	7/22/25	What is your pregnancy week?	LRC
611Y			7/22/25	7/22/25	What Year Were You Born?	LRC
628A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
628B			7/22/25	7/22/25	Not on list	LRC
615A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
618A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC

614A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
627A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
630A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
642A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
594A			7/22/25	7/22/25	Flo Source Code	LRC
674A			7/22/25	7/22/25	Screen Shot of Source Code from Egelman Report	LRC
		2:37 PM			Jury at recess court in session out of the presence of the jury.	
		2:45 PM			Court in recess.	
					Plaintiff has 637 minutes left	
					Defendant has 607minutes left	